

ASSEMBLY BILL

No. 42

Introduced by Assembly Member Blakeslee

December 1, 2008

An act relating to electricity, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as introduced, Blakeslee. Electricity: Pacific Gas and Electric Company: seismic fault: survey.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities including electrical corporations, as defined.

Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to conduct various assessments and forecasts on energy industry supply, production, transportation, delivery and distribution, demand, and prices.

This bill would require Pacific Gas and Electric Company to utilize the Energy Commission to conduct a three-dimensional imaging survey to map the fault characteristics in the vicinity of the Diablo Canyon Nuclear Power Plant that could potentially disrupt the reliable operation of the electrical grid and impact customer rates as a result of a seismic event.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In issuing decision 07-03-044, the Public Utilities
4 Commission authorized an expenditure of sixteen million eight
5 hundred thousand dollars (\$16,800,000) of ratepayer funds to
6 explore the feasibility of relicensing the Diablo Canyon Nuclear
7 Power Plant.

8 (b) The Public Utilities Commission, regarding the expenditure
9 of those funds, said that Pacific Gas and Electric Company should
10 defer, to the extent feasible, its work, its own study, and associated
11 spending, until after the State Energy Resources Conservation and
12 Development Commission (Energy Commission) issues its findings
13 and conclusions, and that Pacific Gas and Electric Company should
14 incorporate the findings and recommendations of the Energy
15 Commission study in its own work.

16 (c) The Energy Commission's recommendations from its study
17 found that Pacific Gas and Electric Company should use
18 three-dimensional geophysical seismic reflection mapping and
19 other advanced techniques to explore fault zones near Diablo
20 Canyon.

21 (d) The July 2007 magnitude 6.8 Japan Sea earthquake located
22 16 kilometers from Toyota Electric Power Company's
23 Kashiwazaki-Kariwa Nuclear Power Plant shut down the facility
24 at a cost of some hundreds of millions of dollars per month.

25 (e) In November 2008, the United States Geological Survey
26 identified a previously unidentified offshore fault approximately
27 one kilometer west of Diablo Canyon Nuclear Power Plant with
28 an estimated ability to generate a magnitude 6.5 earthquake.

29 SEC. 2. (a) Pacific Gas and Electric Company shall utilize the
30 State Energy Resources Conservation and Development
31 Commission to conduct a three-dimensional imaging survey to
32 map the fault characteristics in the vicinity of the Diablo Canyon
33 Nuclear Power Plant that could potentially disrupt the reliable
34 operation of the electrical grid and impact customer rates as a result
35 of a seismic event. The imaging survey shall be used to identify
36 any facility retrofits necessary to avoid potential adverse impacts
37 of a seismic event on the reliability of the electrical grid.

1 (b) It is the intent of the Legislature to enact legislation to
2 appropriate sixteen million eight hundred thousand dollars
3 (\$16,800,000) authorized by the Public Utilities Commission for
4 the Diablo Canyon Nuclear Power Plant relicensing feasibility
5 study, to pay for the survey.

6 SEC. 3. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety within
8 the meaning of Article IV of the Constitution and shall go into
9 immediate effect. The facts constituting the necessity are:

10 In order to complete a seismic study relating to Diablo Canyon
11 Nuclear Power Plant as soon as possible in order to protect
12 electricity customers, it is necessary that this act take effect
13 immediately.